

Introduced by Committee on Environmental Quality (Senators Simitian (Chair), Ashburn, Corbett, Hancock, Lowenthal, Pavley, and Runner)

March 25, 2009

An act to amend Sections 44510, 44525, and 44525.7 of, and to repeal Section 44525.5 of, the Health and Safety Code, and to amend Sections 6206.5 and 41780 of the Public Resources Code, relating to resources, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 832, as introduced, Committee on Environmental Quality. Resources: California Pollution Control Financing Authority: public lands: solid waste diversion.

(1) The California Pollution Control Financing Authority Act establishes the California Pollution Control Financing Authority, with specified powers and duties, and authorizes the authority to approve financing for projects or pollution control facilities to prevent or reduce environmental pollution.

This bill would make various changes to the financial and administrative provisions of the act.

(2) Under existing law, the State Lands Commission has the power to apply to the United States Department of the Interior for patents to the numbered school sections in place, which have not been patented by the state.

This bill would delete the condition that the numbered school sections to which this provision applies be those that have not been patented by the state.

(3) The California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board,

requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. Those entities are required to divert, from disposal or transformation, 50% of the solid waste through source reduction, recycling, and composting subject to the element, except as specified.

This bill would delete the condition that the solid waste subject to source reduction, recycling, and composting under these provisions, be diverted from landfill disposal or transformation.

(4) The bill would make conforming changes.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44510 of the Health and Safety Code is
2 amended to read:

3 44510. "Revenues" means all rents, receipts, purchase payments
4 and all other income or receipts derived by the authority from the
5 sale, lease, or other disposition of pollution control facilities, *loan*
6 *repayments under any loans made in connection with financing*
7 *pollution control facilities*, and any income or revenue derived
8 from the investment of any money in any fund or account of the
9 authority.

10 SEC. 2. Section 44525 of the Health and Safety Code is
11 amended to read:

12 44525. (a) The authority may charge reasonable application
13 and project fees to reimburse the authority for costs incurred in
14 administering applications for financing pursuant to this division
15 and to support authority programs, including, but not limited to,
16 the Capital Access Loan Program authorized by Article 8
17 (commencing with Section ~~44559~~ 44559), and ~~loans, grants and~~
18 ~~loans~~ as authorized by ~~subdivision~~ *subdivisions* (h) and (g) of
19 Section 44526.

20 ~~(b) This section shall become operative only if Assembly Bill~~
21 ~~779 of the 1999–2000 Regular Session is enacted.~~

22 SEC. 3. Section 44525.5 of the Health and Safety Code, as
23 added by Chapter 914 of the Statutes of 2000, is repealed.

1 ~~44525.5. (a) The authority may also charge reasonable~~
2 ~~application and project fees to reimburse the authority for costs~~
3 ~~incurred in administering applications for loans authorized by~~
4 ~~subdivision (g) of Section 44526.~~

5 ~~(b) This section shall become operative only if Senate Bill 1986~~
6 ~~of the 1999–2000 Regular Session is enacted after Assembly Bill~~
7 ~~779 of the 1999–2000 Regular Session and adds subdivision (g)~~
8 ~~to Section 44526.~~

9 SEC. 4. Section 44525.7 of the Health and Safety Code, as
10 added by Chapter 915 of the Statutes of 2000, is amended to read:

11 44525.7. ~~(a)~~ Commencing in 2002, and annually thereafter,
12 the authority shall submit a report to the Legislature regarding the
13 loan program described in subdivision (h) of Section 44526.

14 ~~(b) This section shall become operative only if Assembly Bill~~
15 ~~779 of the 1999–2000 Regular Session is enacted.~~

16 SEC. 5. Section 6206.5 of the Public Resources Code is
17 amended to read:

18 6206.5. The commission is hereby empowered to apply to the
19 United States Department of the Interior for patents to the
20 numbered school sections in place, ~~which have not been patented~~
21 ~~by the State~~, and to accept patents, in accordance with an act of
22 Congress approved June 21, 1934 (Public No. 440-73d Congress),
23 entitled “An Act Authorizing the Secretary of the Interior to issue
24 patents to the numbered school sections in place, granted to the
25 States by the act approved February 22, 1889, by the act approved
26 January 25, 1927 (44 Stat. 1026), and by any other act of
27 Congress.”

28 SEC. 6. Section 41780 of the Public Resources Code is
29 amended to read:

30 41780. (a) Each ~~city or county~~ *jurisdiction*’s source reduction
31 and recycling element shall include an implementation schedule
32 that shows both of the following:

33 (1) For the initial element, the ~~city or county~~ *jurisdiction* shall
34 divert 25 percent of all solid waste ~~from landfill disposal or~~
35 ~~transformation~~ by January 1, 1995, through source reduction,
36 recycling, and composting activities.

37 (2) Except as provided in Sections 41783, ~~41784, and 41785~~
38 ~~and 41784~~, for the first and each subsequent revision of the
39 element, the ~~city or county~~ *jurisdiction* shall divert 50 percent of

1 all solid waste on and after January 1, 2000, through source
2 reduction, recycling, and composting activities.

3 (b) ~~Nothing in this part prohibits a city or county~~ *This section*
4 *does not prohibit a jurisdiction* from implementing source
5 reduction, recycling, and composting activities designed to exceed
6 these requirements *of this division*.

7 SEC. 7. This act is an urgency statute necessary for the
8 immediate preservation of the public peace, health, or safety within
9 the meaning of Article IV of the Constitution and shall go into
10 immediate effect. The facts constituting the necessity are:

11 In order to ensure the protection of the environment at the earliest
12 possible time, it is necessary that this act take effect immediately.